

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

KENNETH L. BROWN, et al.,

Plaintiffs,

vs.

Civ. No. 97-1148 JC/WWD

UNITED STATES OF AMERICA, et al.,

Defendants.

CAPROCK PIPE & SUPPLY d/b/a L BAR RANCH,

Proposed Intervenor.

MEMORANDUM OPINION AND ORDER

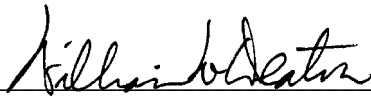
This matter comes before the Court upon two motions which are sought to be filed by the proposed intervenor, Caprock Pipe & Supply d/b/a L Bar Ranch. The first motion is a Motion to Stay Deadline for Meet and Confer, Initial Pre-Trial Report, and Scheduling Conference. The second motion seeks an expedited hearing on the first motion. The would-be movant was unable to contact Plaintiffs' counsel; accordingly, there was a question as to whether Plaintiffs' counsel would oppose the motion to stay. I resolved this question by contacting Plaintiffs' counsel. The Motion to Stay Deadline for Meet and Confer [etc.] is not opposed. There is no reason to reach the question as to whether a proposed intervenor would have standing to file such a motion. Under the circumstances, having been apprised of the situation, I will act *sua sponte* in granting a stay of the proceedings to allow for a ruling on the motion to intervene, and in denying expedited briefing on the question.

**WHEREFORE,**

**IT IS ORDERED** that all pre-trial matters in this cause be, and they hereby are, stayed until and including January 6, 1998.

**IT IS FURTHER ORDERED** that at 9:00 a.m. (Mountain Standard Time) on January 6, 1998, attorney Lee Peters shall organize a conference telephone call between counsel for intervenor, counsel for Plaintiffs, counsel for Defendants, and the undersigned; provided, that if counsel so agree, Mr. John Zavitz, Assistant United States Attorney, may report to me by telephone at the aforementioned time so that I may establish the pre-trial schedule in this matter.

**FINALLY, IT IS ORDERED** that the Motion for Expedited Briefing , [etc.] be, and it is hereby, **DENIED**.

  
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United States Magistrate Judge